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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,264	02/11/2004	Daisy Han	JCLA11985	5391
23900	7590	09/27/2007		
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			EXAMINER MALLARI, PATRICIA C	
			ART UNIT	PAPER NUMBER
			3735	
			MAIL DATE	DELIVERY MODE
			09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,264

Applicant(s)

HAN, DAISY

Examiner

Patricia C. Mallari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a final Office action. Any new grounds of rejection were necessitated by the applicant's amendments to the claims.

Response to Amendment

The amendment filed 7/18/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "strap unit 310 with a uniform width". The applicant states that the amendment to paragraph 18 is amended to include features shown in fig. 3a (see p. 6 of the remarks filed 7/18/07). Figure 3a has been reproduced below with an added arrow. Figure 3a does not show a strap unit having a uniform width, but does show a strap having strap whose width narrows slightly in the direction of the arrow. Nowhere else does the applicant's specification address the width of the strap. Applicant is required to cancel the new matter in the reply to this Office Action.

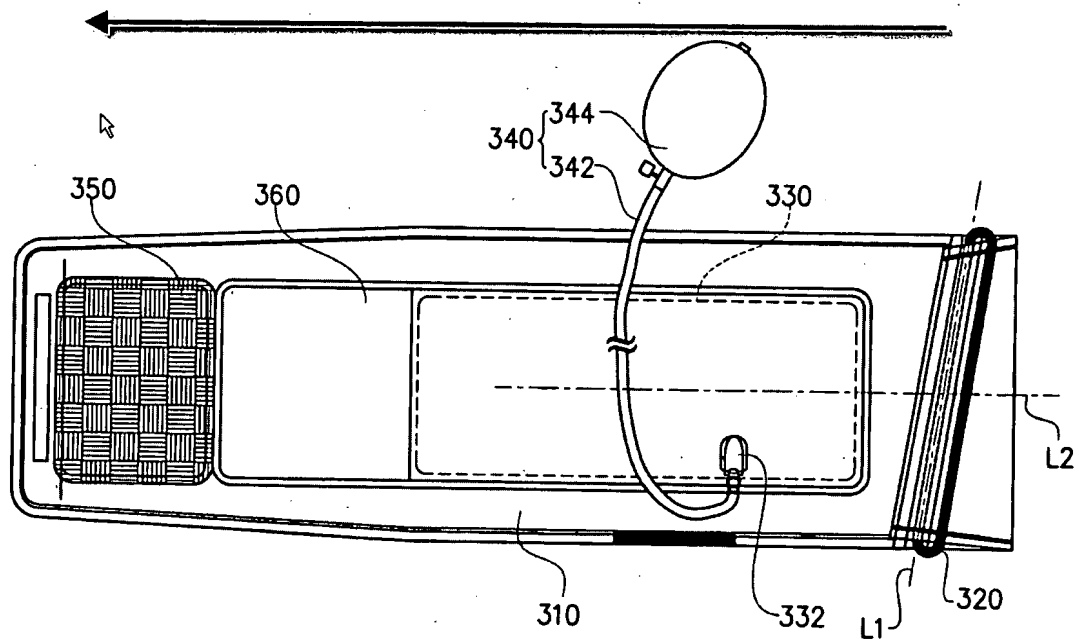


FIG. 3A

300

The amendment filed 7/18/07 also includes the following added material which is not supported by the original disclosure: "the strap unit 310 with . . . a free end and a folded end" and "the ring unit 320 is embedded in the folded end of the strap unit 310". The applicants cannot rely upon figure 3A to show support for this added material, since figure 3A does not clearly that the end of the strap having the ring is "folded", nor does the specification state that this end is folded. Furthermore, paragraph 24 of the specification states, "one end of the strap 310 passes through the ring and is folded back for the first adhering region 350". It appears that the end of the strap that is so "folded" is not the end having the ring. Applicant is required to cancel the new matter in reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5-7, 9, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Each of claims 1 and 5 recites "a strap unit with a uniform width". The instant specification lacks support for such a strap having a uniform width. As explained above, figure 3A of the instant application, in fact, shows the strap having a non-uniform width.

Each of claims 1 and 5 further recites, "a strap unit with . . . a free end and a folded end; a ring embedded in the folded end". The instant specification lacks support for such a strap having a folded end and a free end, wherein the ring is embedded in the folded end. While figure 3a shows the ring being embedded in an end of the strap, the end is not disclosed as being "folded" nor does figure 3a clearly show such a fold.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-7, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of claims 1 and 5 recites, "a strap unit with a uniform width, wherein the strap unit has its lower side wider than its upper side". It is unclear how a strap can have both a uniform width and a lower side wider than an upper side. A strap having a lower side wider than an upper side has a non-uniform width, and not a uniform width. Each of claims 1 and 5 also recites, "wherein the direction of the ring is not perpendicular to an outstretch region of the strap unit so as to define the strap unit with its upper side wider than its lower side." This second limitation appears to be in conflict with the first recited limitation. As to the first recited limitation, and for the purpose of this examination only, the examiner is regarding the claim to mean that the strap has a uniform width. The applicant should amend claims 1 and 5 to clearly show whether the strap has a uniform or non-uniform width.

Additionally, based on the applicant's specification, and to the best understanding of the examiner, it appears that the applicant intended the second limitation to mean that the strap, when the free end passes through the ring and folds back (see paragraph 24 of the specification), forms a truncated cone shape, wherein the perimeter of the lower edge of the cone is larger than that of the upper edge of the cone. Again, for the purpose of this examination only, and because of the lack of clarity in the claim language, the examiner is adopting this interpretation of the claim language. If this is the case, the applicant should amend the claim to clearly reflect this

interpretation. If not, the applicant should still amend the claim to clearly reflect what is meant with regard to these conflicting limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,106,499 to Ueda in view of US Patent No. 1,857,567 to Plesch. Ueda teaches a cuff comprising a strap unit 11 with a uniform width, a folded end (having stitching 29), and a free end (having rod 30). A ring 28 is embedded in the folded end of the strap 11. A first adhering region 34 is disposed on a surface of the strap at one end further away from the ring than a second adhering region 33. The second adhering region is disposed on the surface of the strap adjacent the first adhering region, and the first adhering region is affixed to the second adhering region after one end of the strap passes through the ring (see entire document, especially figs. 1-3 and 7; col. 2, lines 37-51; col. 2, line 62-col. 3, line 11 of Ueda). Ueda lacks the direction of the ring not being perpendicular to an outstretch direction of the strap unit so as to define the strap unit with its upper side wider than its lower side, or forming a truncated cone having an upper perimeter larger than a lower perimeter.

However, Plesch discloses a similar blood pressure cuff comprising a strap unit *d* and a ring *g, h, l, m, n* embedded in a folded end *f* of the strap, wherein a free end of the strap may pass through the ring such that the direction of the ring is not perpendicular to an outstretch direction of the strap unit, so as to define the strap unit with its upper side wider than its lower side or to define the strap unit as a truncated cone having an upper perimeter larger than a lower perimeter when the arm is tapered (see entire document, especially fig. 5; col. 2, lines 97-99 of Plesch). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the configuration of the closed cuff and ring the shape assumed by the cuff during application on a tapered arm of Plesch as that of Ueda, since Ueda teaches a blood pressure cuff for application on a user's arm, and Plesch discloses that secure application of such a cuff to a tapered arm includes such a configuration.

Regarding claim 2, an air sac 17 is disposed inside the strap, the air sac comprising an air inlet (see entire document, especially figs. 2 and 4; col. 2, lines 13- 28 of Ueda).

Regarding claim 3, an air pump unit connects to an air-pump opening, wherein air is delivered through the air inlet into the air sac (see entire document, especially col. 2, lines 23-28 of Ueda).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda in view of Plesch, as applied to claims 1-3 above, and further in view of US Patent No. 4,677,983 to Yamaguchi et al. Ueda, as modified, teaches a blood pressure cuff for use

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with a sphygmomanometer, but is silent as to the details of such a sphygmomanometer. Yamaguchi teaches a sphygmomanometer including a blood pressure display unit 8, a cuff 12, and a pressure sensing unit 4 disposed on the strap unit of the cuff for sensing pressure inside the cuff (see entire document, especially fig. 3; col. 6, line 59-col. 7, line 23 of Yamaguchi). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the display and pressure sensing unit of Yamaguchi as that of Ueda, as modified, since Ueda, as modified teaches using the cuff to determine blood pressure in conjunction with a sphygmomanometer, and Yamaguchi discloses necessary portions of the sphygmomanometer to determine blood pressure.

Regarding claim 6, an air sac 17 is disposed inside the strap, the air sac comprising an air inlet (see entire document, especially figs. 2 and 4; col. 2, lines 13- 28 of Ueda).

Regarding claim 7, an air pump unit connects to an air-pump opening, wherein air is delivered through the air inlet into the air sac (see entire document, especially col. 2, lines 23-28 of Ueda).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda in view of Plesch and Yamaguchi, as applied to claims 5-7 above, and further in view of US Patent No. 5,626,142 to Marks. Ueda, as modified, lacks details as to display. Marks teaches an inflatable blood pressure cuff uses a mercury column as a blood pressure display (see entire document, especially fig. 1; col. 4, lines 38-43 of Marks). Therefore, it would have been obvious to use the mercury column of Marks as that of

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Ueda, as modified, since Ueda, as modified, teaches using a blood pressure display, and Marks describes an appropriate such display.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda in view of Plesch and Yamaguchi, as applied to claims 5-7 above, and further in view of US Patent No. 4,429,699 to Hatschek. Ueda, as modified, lacks details as to the display. Hatschek teaches a sphygmomanometer comprising an electronic display unit 27(see entire document, especially figs. 1 & 2; col. 3, lines 1-8 of Hatschek). Therefore, it would have been obvious to use the electronic display unit of Hatschek as that of Ueda, as modified, since Ueda, as modified, teaches using a display, and Hatschek describes an appropriate such display.

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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